

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY Whe D.C.
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SECURITY FIRE PROTECTION, INC.,

Plaintiffs,

VS.

NO. 05-2353 - B

ROBERT S. RUSSELL and SOUTHERN
FIRE & SECURITY, INC.,

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN. MEMPHIS

AGREED PROTECTIVE ORDER

In this Cause, it appearing to the Court that the parties have agreed to enter into a Protective Order to preserve and protect certain information including, but not limited to, deposition testimony, affidavits or other documents of any nature deemed confidential and proprietary.

And it appearing to the Court from statements of counsel regarding the appropriateness of a protective order, and the entire record in this cause, from all of which it appears to the Court that based upon the statements of counsel for the parties and with the consent of all interested parties, the motion is well taken and should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. Any and all information or documents received from the opposing party (hereinafter "Protected Materials") through deposition testimony, affidavits, subpoena, subpoena duces tecum, request for production of documents, interrogatories or requests to admit **shall only be provided to and reviewed by Plaintiff, Defendants, counsel for Plaintiff and Defendants,**

support and clerical personnel and any potential witnesses including, but not limited to, consulting or testifying experts, who shall not disclose any information or documents relating in any manner to the above-captioned matter to any other person pending further orders of this Court;

2. No copies, extracts, notes or summaries of the Protected Materials or any of the information contained in these Protected Materials shall be made by Plaintiff or Defendants or their attorneys for distribution or use by anyone other than the persons identified in the immediately preceding paragraph;

3. Information considered proprietary and confidential and subject to the Protective Order shall be designated as such by counsel for Plaintiff and Defendants prior to the disclosure of such information. Nothing in this Order shall prevent counsel for Plaintiff or Defendants from challenging any such designation by appropriate motion;

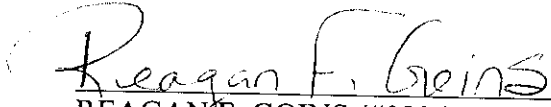
4. The contents of the Protected Materials subject to this Protective Order may be referred to in any pleadings, briefs or memoranda filed with the Court, and the Protected Materials may be made exhibits to such pleadings, briefs or memoranda, provided, however, that Plaintiff or Defendants after providing oral, telephonic notice to opposing counsel may request that any pleading, brief or memorandum that refers to any information contained in any of the Protected Materials subject to this Protective Order, and any pleadings, brief or memorandum to which any Protected Materials are attached as an exhibit shall be sealed by the Clerk of the Court, and that it shall be made public in whole or in part only pursuant to further order of this Court, after notice to both parties and an opportunity for them to be heard;

5. Nothing contained herein shall affect or inhibit the right of any party to admit into evidence at trial any documents protected herein, or to object to the admission into evidence of any such document; and

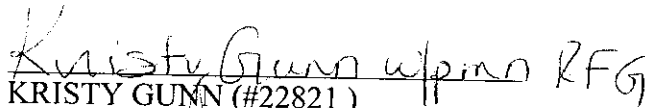
6. At the conclusion of the case and after time to appeal has expired Plaintiff and Plaintiff's attorneys of record and Defendants and Defendants' attorney of record shall promptly return to one another all Protected Materials, including all copies, summaries and abstracts thereof to the extent that such Protected Materials do not need to be maintained for malpractice purposes.



MAGISTRATE S. THOMAS ANDERSON

DATED: July 06, 2005


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Counsel for Plaintiff


JAMES B. SUMMERS (#4721)
Counsel for Plaintiff


KRISTY GUNN (#22821)
Counsel for Defendants


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Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:05-CV-02353 was distributed by fax, mail, or direct printing on July 7, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT